United Nations A/C.5/53/27

General Assembly

Distr.: General
22 October 1998

Original: English

Fifty third session
Fifth Committee
Agenda item 120
United Nations common system

Comments by the Federation of International Civil Servants' Associations

Note by the Secretary-General

The Secretary-General transmits herewith for consideration by the Fifth Committee a document submitted by the Federation of International Civil Servants' Associations (FICSA) (see annex). The document has been submitted pursuant to the provisions of paragraph 2 (b) of General Assembly resolution 35/213 of 17 December 1980, whereby the Assembly reiterated its readiness to receive and consider fully the view of the staff as set out by a designated representative of FICSA in a document submitted through the Secretary-General.

98-31570 (E) 281098

Annex

Document submitted by the Federation of International Civil Servants' Associations

I. Introduction

1. The Federation of International Civil Servants' Associations (FICSA) appreciates the opportunity to address the Fifth Committee, to make its concerns known to the representatives of United Nations Member States and to seek their support on common system issues.

2. A summary of the Federation's positions on the recommendations and decisions of the International Civil Service Commission is contained in the appendix. A more detailed explanation is set out below of FICSA positions on several key issues: the consultative process in ICSC, the audit report on the ICSC secretariat, safety and security of staff, reform, conditions of service, recognition of language knowledge and ethics in the international organizations.

II. Consultative process

3. FICSA participated in good faith in the ICSC Working Group on the Consultative Process and Working Arrangements, having shared in the drafting of the terms of reference, selection of a facilitator and drafting of the report. While maintaining its boycott of ICSC, FICSA was present as an observer during the discussions of the report of the Working Group by the Commission.

4. As can be seen from the report of the Working Group (see A/53/30, annex II), some progress has been made on strengthening the consultative process through revisions to the rules of procedure governing agenda-setting, working methods and reporting. However, the latter section of the report, dealing with the maintenance of a high-quality, well-respected Commission, requires consideration by the Member States at the current session of the General Assembly.

5. FICSA strongly believes that the key factor in ensuring the Commission's competence, impartiality and independence is its composition. If the functioning of the Commission is to improve, FICSA believes it is essential that the selection process for members of the Commission be broadened to include a greater number of candidates for each vacant position; that candidatures be put forward by the Member States, the administrations and the staff; that selection be based on recognized competencies; and, to the extent possible, the process be made less political. In this light, the administrations and staff put forward the proposals set out below (see appendix V of the report of the Working Group, on the selection and appointment of members of the Commission).

6. In expansion of article 3 of the Statute of the Commission, which sets out "recognized competence" as the first criterion for membership, the need to identify basic competencies was agreed on by the administrations and the staff. With regard to the process of selection, the Federation favours changing the current statute to requiring nominations from the three parties concerned – Member States, executive heads and staff – but could accept alternatives, such as the creation of a consultative committee comprising the three parties to identify and propose candidates, or timely preparation by ACC, in consultation with Member States and staff representatives, of a roster of candidates that would serve as the sole source of nominees for membership to the Commission. In keeping with the spirit of renewal, the number of terms of service of Commissioners should be limited.

7. Regrettably, the experience of the Commission's discussion of this section of the report of the Working Group was discouraging. It served to confirm some of the shortcomings that the Working Group had tried to redress. The proposal for a list of basic competencies was not considered objectively. Rather, it was perceived as a criticism of serving Commissioners and their election. This had not been the intention of the proposal. The result was that the Commission concluded that the criteria specified in article 3 of its statute were sufficient.

8. FICSA is more than ever convinced that restoration of full confidence in the Commission requires not only a review of the working arrangements of the Commission but also its composition. FICSA therefore notes with appreciation the initiative of the Secretary-General in asking a small, geographically-balanced review group to examine the mandate, membership and functioning of the Commission; the group will submit its report to the Secretary-General no later than November 1999. However, the Federation trusts that the establishment of the review group will not delay consideration of the joint staff/administration proposals on the selection of commissioners. Each initiative originated for a different purpose. The efforts of the Working Group

were directed at strengthening the consultative process. The initiative of the Secretary-General is to examine the mandate of ICSC within the context of the reform programme.

9. In view of the efforts dedicated by the members of the Working Group in 1998 to the question of consultation at the international level, FICSA requests Member States to adopt a position, at the current fifty-third session of the General Assembly, on the joint staff/administration proposals contained in appendix V of the report of the Working Group, on the selection and appointment of members of the Commission.

III. Audit review of the secretariat of the International Civil Service Commission

10. In general, FICSA believes that the report is not so much an audit of the functioning of the ICSC secretariat as a review of the United Nations salary system. However, the report confirms the Federation's view that ICSC is not functioning in the most efficient or effective way. FICSA notes that article 8.1 of the ICSC Statute states that "The Chairman shall direct the work of the Commission and its staff", which presumably also includes the secretariat. FICSA cannot comment on the work of the secretariat staff; the prevailing view in the Federation is that the problems lie with the Commission rather than with the competencies of the staff of the secretariat.

11. Specific technical comments are included in FICSA's detailed position paper on the audit report, which will be distributed to the Fifth Committee as a separate document.

IV. Safety and security of staff

12. FICSA initiatives in this area include pressing for an abridged version of the field security handbook for distribution to all staff, action in favour of the evacuation of locally recruited staff and effective security training.

13. FICSA notes with appreciation the efforts of the Security Council at its current session to improve protection for humanitarian workers. A total of 153 United Nations staff, international and local, have been killed since 1992. In his report to the Security Council, the Secretary-General states that while compliance with the rules of international law in conflict has long been a problem, the situation has dramatically worsened in recent years due to the changing pattern of conflicts. In situations of internal conflicts, for example, it is often difficult to distinguish between combatants and non-combatants. Many conflicts have become particularly violent and complex due to involvement of irregular militia, foreign mercenaries, child soldiers and others with little knowledge of or respect for international law.

14. It is within this context that FICSA wishes to draw the attention of the General Assembly to the distinction made in the field security handbook between internationally and nationally recruited staff and the provision of different degrees of protection for each. According to an independent legal study commissioned by FICSA on the safety and security problems faced by international civil servants carrying out activities in the fulfilment of a United Nations mandate, such distinction is illegal. It should not exist because the danger to which the United Nations staff are subject does not differ according to recruitment status. For example, relocation or evacuation of locally recruited staff during phases 3, 4 and 5 may only take place if these staff are in danger by virtue of their employment with a United Nations organization. However, in times of crisis, it is very difficult and sometimes impossible to differentiate between the different categories of staff. Most staff are targeted because they are international civil servants working in an office or driving a vehicle that bears the United Nations flag. The legal study will be made available to the Fifth Committee as a separate document.

15. FICSA is requesting that the distinction between locally and internationally recruited staff for the purposes of protection be removed. This request is in accordance with article 7 of the Universal Declaration of Human Rights, which calls for equal protection of law and protection against discrimination.

V. Reform

16. Most if not all of the organizations of the common system have introduced reforms in response to a perceived need for greater coherence and relevance to the changing global context. While welcoming efforts to refine and redefine organizational mandates, staff nevertheless noticed with concern how reform appeared synonymous with cutting costs and staff. FICSA thus noted with satisfaction the Secretary-General's statement that reform is not intrinsically an exercise in cutting costs or reducing staff. It is an exercise to assure the Organization's relevance in a changing world and to make sure that those mandates that are given to it by its 185 Member States are performed effectively and

efficiently with...n the resources that are appropriated for those ends.

17. As organizations proceed along the path of reform, FICSA believes that change should be guided by the following notions: (a) staff should be treated fairly and equitably; (b) because we are all walking on new ground with regard to reform, we should proceed with caution to ensure that changes that have an important impact will not need to be reversed in several years time; and (c) all changes must respect the principles spelled out in the Charter of the United Nations and the Universal Declaration of Human Rights. Above all, the common system should not lose sight of its humanitarian aims.

18. FICSA is concerned that under pressure to reform, administrations may go too far too fast. We are concerned, for example, with the misuse of assignments of limited duration. We are concerned with the use of volunteers or gratis personnel to make savings on staff costs. We are concerned that the variety of contracts used to give administrations increased flexibility may contravene the right of employees to equal pay for work of equal value. We are concerned that outsourcing may weaken, not strengthen, organizations' ability to deliver programmes, and will not lead to the intended savings. We are concerned that the drive for flexibility and streamlining may result in a loss of controls necessary to safeguard the mission of United Nations system organizations. We are concerned about the independence of the international civil service as it moves towards closer partnerships with the private sector.

VI. Conditions of service

19. While the Member States have acknowledged that Professional salaries are no longer competitive and that the current comparator is no longer the best paid national civil service, no action has been taken to redress the situation. The adjustment of 2.48 per cent recommended by the International Civil Service Commission, if approved, will be absorbed by consolidating post adjustment multiplier points into the base salary on a no loss-no gain basis. FICSA believes that Professional salaries should be increased in real terms by 25 per cent to compensate for the loss of purchasing power over the past 15 years. FICSA would request the Fifth Committee to increase the margin range, with immediate application of a new mid-point of 125, in accordance with Assembly resolution 52/216 of 22 December 1997, in which the General Assembly acknowledged its option of margin management.

20. With regard to the Flemming principle, the latest revisions to the methodology for General Service salary surveys will make it more difficult to ensure that General Service salaries are equivalent to the best prevailing salaries in the duty station. It should be recalled that during the last round of surveys, General Service salaries were frozen in many headquarters duty stations for several years, with an equally devastating effect on pensions. Some duty stations are just recovering from that situation, yet under the revised methodology they risk being subjected to another freeze. Should this be the case, the message to the General Service staff will be clear: they are to bear the largest part of the burden of the financial constraints of the organizations. FICSA insists that the Flemming principle be fully respected and implemented as originally conceived.

21. With regard to the General Service staff in non-headquarters duty stations, FICSA notes that United Nations administrators for field duty stations now openly recognize that they are facing increasing difficulty in recruiting and retaining qualified General Service staff due to the lack of competitivity of United Nations system salaries. FICSA also draws attention to the damaging inconsistencies between the non-headquarters salary survey methodology as drafted by ICSC and its application as prescribed in the CCAQ manual. Particularly hard hit by the revisions are those duty stations that have experienced the very negative effects of regional economic crises. For example, the CCAQ manual provisions on the application of special measures require 50 per cent devaluation and 100 per cent inflation within two months at the duty station, whereas the text of the revised methodology does not identify such criteria; instead, it calls for flexibility. FICSA recalls that in the past there was flexibility in the adoption of special measures for Bhutan and Yemen in accordance with the methodology. Those provisions remain and should be applied. In the absence of a flexible approach, staff in Africa are requesting a review by a committee, with the participation of staff representatives, of the non-headquarters salary survey methodology and its application. FICSA seeks the support of Member States for a flexible approach to the application of special measures in order to ensure rapid assistance following economic crises.

VII. Recognition of language knowledge in the United Nations system

22. The knowledge of languages is of paramount importance in the United Nations system. The sharing of thoughts, views and perceptions and the creation of joint

understandings between nations is achieved through language. All those who subscribe to the ideals of the United Nations family, in particular the staff who serve the Member States, should be encouraged to increase their knowledge of languages. With this aim in view, the organizations of the United Nations system have developed and applied incentives for their staff to develop competence in more than one of the official and working languages. Where applied, such incentives are working well.

23. Following a recent review of the language recognition schemes in the United Nations system, the International Civil Service Commission, while stating that it supports language recognition schemes, nevertheless proposes the abolition of the existing schemes and their replacement by a scheme that offers less incentive to staff to increase their knowledge of languages. Its recommendation is in total contradiction to the requests of the administrations, which have adopted more progressive schemes and do not wish to be forced into taking a backward step in this regard.

24. FICSA strongly opposes the recommendation of ICSC for the following reasons:

(a) Language knowledge is not only used to carry out job responsibilities. It is used to communicate with colleagues, local communities and populations served in accordance with the Secretary-General's emphasis on strengthening ties with civil society, and with representatives of the Member States. It facilitates cultural diversity. The Commission has not addressed the issue of facilitating cultural diversity but has restricted itself to finding a cheaper way of recognizing an essential skill. Its recommendation may actually undermine cultural diversity since staff members will concentrate on language competence in one of the few commonly used languages within the United Nations system to the detriment of other languages;

(b) More than ever before, United Nations system organizations require a flexible workforce, not only within each organization but among the different organizations. Many organizations have placed new emphasis on mobility and rotation between headquarters and the field. Language competence is crucial to this kind of flexibility and mobility. The Commission's recommendation, insofar as it represents a deterioration in recognition of language competence, will not assist in the process of creating a flexible, mobile workforce;

(c) The Commission's recommendation will be very difficult to implement. Current language recognition schemes provide for a pensionable component to the remuneration package. Any attempt to remove this from staff members will mean a deterioration in their remuneration package that will be legally contested. Should the ICSC recommendation be adopted and applied with a phased-in approach, staff members who in the future demonstrate competency in a language of the organization will not be eligible for the same kind of recognition as their colleagues continue to receive. This will be perceived as discriminatory, and will certainly not act as an incentive to acquire competency in additional languages, particularly by those staff working in organizations that do not offer free language training programmes for all and for whom the acquisition of an additional language has already required a personal financial disbursement;

(d) FICSA believes that any approach to the strengthening of multiculturalism within United Nations organizations should build on and not undermine systems that are already in existence and working well. The way forward is through training and career development in the context of an organizational work environment that truly values and encourages language competence in staff.

25. FICSA requests that the existing language incentive schemes be retained and applied throughout United Nations system organizations.

VIII. Ethics in the international civil service

26. FICSA welcomes the action of the General Assembly, which responded, at least in part, to the concerns expressed by staff representatives about the proposed United Nations Code of Conduct. FICSA notes, however, that the Assembly has requested ICSC to update the 1954 Standards of Conduct in collaboration with CCAQ and in consultation with all interested parties.

27. In anticipation of the review of the 1954 Standards, FICSA would like to express some general and specific comments. First, FICSA would appreciate clarification on the circumstances that have led Member States to call for an update of the Standards since such clarification would help with the review. For example, if there is concern that increased collaboration with the private sector may require measures not heretofore considered necessary, a better approach may be to reconsider the modalities for working with the private sector rather than adopting repressive codes of conduct for the staff. The United Nations could refuse to do business with companies that have not adopted a code of business ethics. FICSA believes it important that any update of the Standards should result in integrity-based rather than compliance-based Standards, and should contain the

responsibilities and obligations not only of staff but also of organizations towards staff.

28. More specifically, the Federation reviewed the 1954 Standards to identify aspects that are relevant to elected staff representatives. Paragraphs 29 and 30 draw attention to the cultivation by the staff associations of a responsible understanding among their members of the obligations that the right of consultation carries with it, particularly in respect of the upholding of any agreements that may have been reached. Consultation within the United Nations system does not carry with it the obligation for an agreement to be reached between staff representatives and a decision-making body, either at the organizational or inter-agency level. If and when an actual agreement is reached, it should be binding on all parties, not only on staff representatives. FICSA requests that the Standards be revised to include a statement that agreements reached by consultation between staff representatives and decision-making bodies should be binding and respected by all those party to the agreement. Contrary to the statement in the 1954 Standards that participation by staff representatives in the actual debates of legislative bodies, for the purpose of upholding their views in opposition to those of the executive head, is clearly inadmissible, FICSA believes that staff representatives should have the right and obligation to present their views to legislative bodies that make the final decision on conditions of service. Staff representatives should also have the right to address the media on any issue concerning their conditions of service.

29. FICSA seeks the support of Member States to ensure that the Commission bears in mind the need for the Standards of Conduct to fully respect fundamental human and international labour rights for international civil servants.

IX. Conclusion

30. FICSA trusts that its views and requests will be heeded by the Fifth Committee. They have been submitted on behalf of the 30,000 staff members whom the Federation represents worldwide, and with the aim of strengthening the common vision and unity of purpose that lies at the heart of the United Nations system and that must continue.

Appendix

FICSA position paper on the report of the International Civil Service Commission for 1998

Code of Conduct

FICSA welcomes the decision of the General Assembly which responded, at least in part, to the concerns expressed by staff representatives on the United Nations Code of Conduct. FICSA notes that the General Assembly has asked ICSC to update the 1954 Standards of Conduct in collaboration with CCAQ and in consultation with all interested parties. In anticipation of such a review, FICSA has developed general and specific comments for the attention of Member States. These comments are contained in paragraphs 26 to 29 above.

Report of the Board of Auditors on the management review of the ICSC secretariat

FICSA believes that the report is not so much an audit of the functioning of the ICSC secretariat as a review of the United Nations salary system. However, the report confirms the Federation's view that ICSC is not functioning in the most efficient or effective way. FICSA notes that article 8.1 of the ICSC Statute states that "The Chairman shall direct the work of the Commission and its staff", which presumably also includes the secretariat. FICSA cannot comment on the work of the secretariat staff; the prevailing view in the Federation is that the problems lie with the Commission rather than with the competencies of the staff of the secretariat.

Specific technical comments are included in FICSA's detailed position paper on the audit report, which will be distributed to the Fifth Committee as a separate document.

Consultative process and working arrangements of the Commission

The report of the Working Group on the Consultative Process and Working Arrangements of the Commission can be reviewed in two parts. The first part, dealing with changes to the rules of procedure, has already been considered and decided upon by the Commission. The second part, dealing with the process of selection of members to the Commission, requires consideration by the General Assembly at its current session.

With regard to changes to the rules of procedure, FICSA was an observer to the discussion by the Commission but did not participate in the deliberations. FICSA acknowledges that progress has been achieved on areas dealing with agenda management, information-gathering and in the setting up of working groups on all key issues. However, FICSA was disappointed by some of the amendments made by the Commission to the proposals of the Working Group, notably in rules of procedure 6.1 and 12.2, and to paragraph 39 of the Working Group's report, which reflect a refusal on the part of the Commission to consider the administrations and staff as equal partners in the process of consultation.

The second part of the report of the Working Group requires consideration by Member States. FICSA urges Member States to adopt, at the current fifty-third session of the General Assembly, a position on the selection of members to the Commission that precludes political considerations from outweighing professional and substantive qualifications.

Remuneration of the Professional and higher categories

Base/floor salary scale

The adjustment of 2.48 per cent recommended by the Commission reflects an increase in the pay of the comparator; if approved, it will be absorbed by consolidating post adjustment multiplier points into the base salary on a no loss-no gain basis. FICSA takes note of the adjustment, while maintaining that salaries should be (a) based on those of the best paid national civil service (which the United States civil service is not); and (b) increased in real terms by at least 25 per cent to compensate for the loss of purchasing power over the past 15 years.

Evolution of the margin between the net remuneration of the United States federal civil service and that of the United Nations system

Because United Nations system pay is tied to United States federal civil service pay, which has been unable to compete with non-federal sector pay for many years, United Nations system Professional salaries have been dragged down. Margins at the higher levels of the United Nations salary scale are non-existent. In at least one duty station, net salaries at D-2, D-1 and P-5 levels were consistently below those of the comparator. ICSC has reported annually since 1995 that the current comparator is no longer the best remunerated national civil service. FICSA has proposed several options to address these issues: an across-the-board real salary increase; changing the comparator; and an increase in the margin range from 110-120 to 120-130, with an immediate adjustment of the range to its mid-point of 125.

Treatment of expatriation

FICSA agrees that there is no discernible decrease in the degree of expatriation over time, and that there is no justification to reduce the margin or entitlements related to expatriation. FICSA is carrying out a comparative study of expatriation benefits in the national civil services of key Member States. Preliminary findings indicate that the expatriation benefits for nationals of these Member States who are posted abroad are much higher than in the United Nations system.

Dependency allowances

FICSA supports the recommended increases in the children's and secondary dependant's allowances, which reflect the 14.6 per cent increase in the value of tax abatements and social legislation payments at seven headquarters duty stations between January 1996 and January 1998.

Post adjustment at the base of the common system

FICSA firmly opposes the elimination of post adjustment at the base of the system, and welcomes the Commission's statement that the current system of net base salary plus post adjustment at the base is still the most appropriate way to ensure that the margin remains within range. FICSA notes that the current technical measures for operating the post adjustment system within the approved range are proving operationally adequate.

Post adjustment at Geneva

FICSA agrees that there remain complex technical, legal and administrative difficulties that mitigate against the establishment of non-standard procedures for this duty station.

Remuneration of the General Service and other locally recruited categories

Decision of ILO Administrative Tribunal

FICSA was pleased with the Tribunal's ruling on the Rome language factor appeal, and believes it should also have been implemented for Vienna. FICSA firmly opposed the elimination of the language factor from the methodology, and sees the restoration of the pre-1992 text to be the only valid decision the Commission can make. Option (ii) is inadequate since it does not cover those cases where comparator firms do not require staff to work in a working language of the United Nations and job matches are therefore invalid.

Conditions of service applicable to both categories

Education grant

FICSA welcomes the recommended increases in the education grant applicable as from the school year in progress on 1 January 1999.

Recognition of language knowledge in the United Nations system

FICSA firmly opposes the recommendation to transform existing schemes to non-pensionable bonuses for the reasons outlined in paragraphs 22-25 above.

Common scale of staff assessment

FICSA agrees that the current staff assessment scale should continue to apply because the scale has only been in effect for one year and taxes have changed by only 0.5 per cent.

Staff assessment rates vis-à-vis local taxes

FICSA agrees that "the local practice approach" would not be appropriate. However, data on local pension schemes may be considered separately where it is a problem in a

particular duty station (e.g., Montreal), taking into account the complexity of the process.

Hazard pay

FICSA supports the increase to $1,000, and considers that the amount of hazard pay should be the same for all international and local staff working in high-risk duty stations since the risks are the same for everyone. It is essential to ensure equity in this area since the lives of all staff have the same value.

Standards of travel and per diem

FICSA agrees with all the ICSC decisions on this issue except for the one on home leave stopovers. FICSA considers that for travel on home leave, stopovers for only a duration of more than 12 hours is restrictive; FICSA would prefer to see the 12-hour ceiling lowered, especially for families with very young children.

Mission subsistence allowance

FICSA is not in favour of the use of MSA for staff serving on special non-family missions. Although expected to cover largely the same elements of expenditure, MSA rates are lower than DSA rates. FICSA sees this as a means of making savings at the expense of staff. While on mission, even if it is a special mission, staff members should be entitled to post adjustment, mobility and hardship allowance at their home duty stations, plus DSA.

Framework for human resources management

The Commission has not developed a framework for human resources management, in either the sense of an outline for comprehensive study of the field or the development of an inclusive system ready to be implemented. While FICSA appreciates the establishment of a working group to examine this issue, the participation of the staff will depend on the outcome of the proposals in the report of the Working Group on the Consultative Process and Working Arrangements of the Commission.

Gender balance in the United Nations system

FICSA is disappointed that the whole question of gender balance in the United Nations system is reduced merely to databases and recruitment sources. Although these are important elements, the issue of gender balance is wider, encompassing career development and a work/family agenda. Furthermore, FICSA expresses its concern that the three elements used in the selection of staff – highest standards of competence and efficiency, geographical distribution and gender balance – sometimes conflict, and there are no guidelines to assess objectively the weight and priority given to each. This undermines the transparency of the selection process.

Capacity-building for change management

FICSA notes that recent surveys carried out by Runzheimer International show that in the private sector, the average three-year international assignment carries a $1 million price tag and a staggering 50 per cent failure rate. United Nations system staff, by comparison, are much more successful at working in a multicultural setting. FICSA supports efforts to strengthen appreciation of diversity, and is against measures that will work against this aim, e.g., the ICSC recommendations on recognition of language knowledge in the United Nations system.